

HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.R. No.5383 of 2004

Date of decision : 15.01.2007

Mohan Lal and others

.....Petitioners

versus

Sohan Singh

.....Respondent

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.P.C.Rakhra, Advocate for the petitioners
Mr.Sanjay Dhiman, Advocate for the respondent.

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ORDER

HEMANT GUPTA, J. (Oral)

The challenge in the present revision petition is to the order dated 6.10.2004, passed by the learned First Appellate Court, whereby the defendants were restrained from interfering into the use of the tubewell motor by the plaintiff, but will deposit 1/4th share of the electric charges.

One Mehna Singh, predecessor in interest of the parties was owner in possession of the suit land. The defendants-petitioners claim that the tubewell connection has been transferred in their favour on the basis of Will dated 11.9.1998. It has been found by the learned First Appellate Court that the land in village Tugga Kalan, where the disputed tubewell connection is situated, is jointly owned by the parties and, therefore, the plaintiff cannot be deprived of use of the electric motor for the purpose of irrigation and the question of transfer of electric connection in favour of the appellants has to be examined in the suit.

I do not find any irregularity or irregularity in the finding recorded by the learned First Appellate Court, which may warrant interference by this Court in exercise of its revisional jurisdiction. The land in dispute is found to be jointly in possession of the parties. In respect of the joint possession, the plaintiff is entitled to make use of the electric connection for irrigation facilities for proper enjoyment of the land.

Consequently, the present revision petition stands dismissed.

January 15, 2007
**mohinder*

(HEMANT GUPTA)
JUDGE